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FACSIMILE TRANSMISSION

DATE: March 15, 2004

MATTER NUMBER:

10106882 /
INRP:021USC1

RECIPIENT(S):	FAX No.:	PHONE No.:
Commissioner for Patents U.S. Patent Office	(703) 308-6916	

FROM: Steven L. Highlander

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RE: U.S. Patent Application No. 09/922,490 Application for Patent Term Adjustment

NUMBER OF PAGES WITH COVER PAGE: 19

Message:

Attached please find an Application for Patent Term Adjustment for the above U.S. patent application.

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JULIE ERWIN AT (512) 536-3119 AS SOON AS POSSIBLE.

CERTIFICATE OF FACSIMILE TRANSMISSION 37 C.F.R. § 1.8	
I certify that this correspondence is being transmitted to: Office of Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, facsimile number (703) 308-6916 on the date below:	
March 15, 2004 Date	Steven L. Highlander

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Richard J. Cristiano
Dao Nguyen

Group Art Unit: 1632

Serial No.: 09/922,490

Examiner: Dave Trong Nguyen

Filed: August 3, 2001

Atty. Dkt. No.: INRP:021USC1

For: ENHANCED EXPRESSION OF
TRANSGENES

APPLICATION FOR PATENT TERM ADJUSTMENTUNDER 37 C.F.R. §§1.705(b)

VIA FACSIMILE NO. (703) 308-6916

Sir:

Reconsideration of patent term adjustment is hereby requested under 37 C.F.R. §§1.705(b). Applicants request an adjustment of patent term of 47 days.

On November 20, 2001, Applicants mailed a Response to Notice to File Missing Parts. Attached as Exhibit A is a copy of this Response, on which a Certificate of Mailing under 37 C.F.R. §§ 1.8 was signed, certifying that the document was mailed on November 20, 2001. However, the return postcard was date stamped as received by the U.S. Patent Office on January 15, 2002 (attached as Exhibit B). The U.S. Patent and Trademark Office Official Gazette Notice of January 15, 2002 (attached as Exhibit C) states that if a reply to an Office action or notice was mailed on or after October 13, 2001 and no later than December 1, 2001, any postal delay in

excess of 4 days after the date indicated on the certificate of mailing will not be considered a delay on the part of the applicant when determining adjustment of patent term. Therefore, the duration of any such delay will be reinstated to the adjustment of patent term. Applicants request the date of November 26, 2001 (four business days after the date indicated on the certificate of mailing) be considered the date on which the U.S. Patent Office received the Response to Notice to File Missing Parts when calculating patent term adjustment.

Attached as Exhibit D is a copy of the Patent Application Information Retrieval (PAIR) system's calculations of Patent Term Adjustment. Applicants note that the PAIR entries indicating the U.S. Patent Office's receipt of the Response to Notice to File Missing Parts are dated January 15, 2002. As previously stated, applicants request this date to be changed to November 26, 2001. However, the "Applicant Delay" listed in the entry "Application is Now Complete" is 85 days. Applicants responded to the Notice to File Missing Parts well before the date of March 15, 2002 listed under this entry and request that this arbitrary delay be removed.

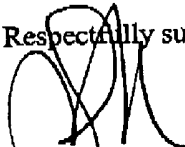
The U.S. Patent Office mailed an initial Office communication for the above-referenced U.S. patent application on November 20, 2002. As provided by 37 C.F.R. §§ 1.702(a), the patent term shall be adjusted if the issuance of the patent was delayed due to failure of the U.S. Patent Office to mail the initial Office communication not later than 14 months after the date on which the application was filed. As November 20, 2002 is past this fourteen month deadline, a delay on the part of the U.S. Patent Office of 48 days was correctly indicated in PAIR's calculations, as was the applicant delay of one day in responding to a Non-Final Office communication.

Applicants respectfully request a patent term adjustment of 47 days in light of the above-mentioned issues.

In accordance with 37 C.F.R. §§ 1.18(e), the Commissioner is hereby authorized to deduct a fee of \$200.00 from Fulbright & Jaworski Deposit Account No.: 50-1212/INRP:021USC1.

Please date stamp and return the enclosed postcard evidencing receipt of these materials.

Respectfully submitted,



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Attorney for Applicants

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Date: March 15, 2004